



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 11-613
April 5, 2011

WIRELESS TELECOMMUNICATIONS BUREAU EXTENDS PERIOD FOR FILING COMMENTS AND REPLY COMMENTS ON PETITION FOR DECLARATORY RULING ASKING TO CLARIFY THE SCOPE OF SECTION 332(c)(3)(A)

WT Docket No. 11-35

Comments Due: June 10, 2011

Reply Comments Due: July 11, 2011

By this Public Notice, we extend the deadline for filing comments and reply comments in response to the *Public Notice* seeking comment on the December 3, 2010 petition for declaratory ruling filed by CTIA-The Wireless Association.¹ Interested parties will now have until June 10, 2011 to file comments and July 11, 2011 to file reply comments as opposed to the April 11, 2011 and May 11, 2011 deadlines set forth in the *Public Notice*.

On February 25, 2011, the Wireless Telecommunications Bureau (Bureau) released a Public Notice seeking comment on the CTIA petition for declaratory ruling asking the Commission to clarify “the scope of Section 332(c)(3)(A)’s ban on state and local entry regulation.”² The Petitioners stated that the Connecticut Department of Public Utility Control (Connecticut PUC) “ordered that wireless providers must apply for and obtain a Certificate of Public Convenience and Necessity (CPCN) from the [Connecticut PUC] before they can request permission to access public rights-of-way.”³ The Petitioners asked the Commission to declare that Connecticut’s CPCN requirement is a form of entry regulation that is prohibited by Section 332(c)(3)(A).⁴

On April 1, 2011, the Petitioners along with the Connecticut PUC (collectively, the “Parties”) submitted a joint request for a 60-day extension of the comment and reply comment deadlines in this

¹ “Wireless Telecommunications Bureau Seeks Comment on Petition for Declaratory Ruling Asking to Clarify the Scope of Section 332(c)(3)(A),” WT Docket No. 11-35, *Public Notice*, DA 11-353, Feb. 25, 2011.

² In the Matter of Petition of CTIA-The Wireless Association for Declaratory Ruling to Clarify Provisions of Section 332(c)(3)(A) and to Declare that Connecticut’s CPCN Requirement is Entry Regulation, filed Dec. 3, 2010 at i (Petition).

³ *Id.*

⁴ See 47 U.S.C. § 332(c)(3)(A).

proceeding.⁵ The Parties request that the Commission extend the comment deadline to June 10, 2011 and the reply comment deadline to July 11, 2011. The Parties state that the Connecticut PUC recently published draft changes to the requirements at issue in this matter⁶ and that a 60-day extension is “in the public interest because it will allow commenters a meaningful period of time to review, analyze, and respond to any final actions the [Connecticut PUC] takes on the draft decision.”⁷

Although requests for extensions of time are not routinely granted,⁸ we do occasionally grant limited extensions of time when we find that the public interest would be served by doing so. In this case, we find that granting the Parties’ request and extending the comment and reply comment deadlines by 60 days is in the public interest. Extending the comment period will ensure that parties have sufficient time to consider and address developments in this matter and the extent to which they moot the controversy at issue in the Petition.

This Public Notice establishes certain procedural requirements relating to consideration of the Petition. This matter shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules. See 47 C.F.R. §§ 1.1200, 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. See 47 C.F.R. § 1.1206(b). Other requirements pertaining to oral and written presentations are set forth in section 1.1206(b) of the Commission’s rules, 47 C.F.R. § 1.1206(b).

Pursuant to sections 1.415 and 1.419 of the Commission’s rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using: (1) the Commission’s Electronic Comment Filing System (ECFS), (2) the Federal Government’s eRulemaking Portal, or (3) by filing paper copies. See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/> or the Federal eRulemaking Portal: <http://www.regulations.gov>.
- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in

⁵ CTIA-The Wireless Association and Connecticut Department of Public Utility Control Joint Request for Extension of Comment and Reply Comment Deadlines, WT Docket No. 11-35, filed Apr. 1, 2011 (Apr. 1st Extension Request).

⁶ See Connecticut Department of Public Utility Control, “DPUC Investigation into the Deployment of Distributed Antenna System (DAS) in the Public Rights of Way in Connecticut – CPCN Requirement,” *Draft Decision*, Docket No. 08-06-19RE01, Jan. 26, 2011 (indicating that the Connecticut PUC will reconsider its decision and will not require wireless service providers to obtain a CPCN to access public rights of way).

⁷ Apr. 1st Extension Request at 1.

⁸ See 47 C.F.R. § 1.46(a).

receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington D.C. 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

For further information regarding this proceeding, contact Jennifer Salhus, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, 202-418-1310.

Action by the Chief, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau.

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